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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF WYOMING**

HOMELAND INSURANCE COMPANY)	Case No. 15-CV-31-J
OF NEW YORK,)	
)	
Plaintiff,)	
)	STIPULATION OF DISMISSAL
vs.)	WITH PREJUDICE
)	
POWELL HOSPITAL DISTRICT,)	
et al.,)	
)	
Defendants.)	
)	

COME NOW, the Plaintiff Homeland Insurance Company of New York (“Homeland”) and Defendant Powell Hospital District (the “District”) (Homeland and the District are collectively referred to herein as the “Parties”), through their respective

counsel, and enter into this Stipulation for Dismissal with Prejudice (the “Stipulation”) and state as follows:

1. Homeland issued a Hospital Professional Liability Primary Policy No. MPP-5514-13 to the District for the policy period August 1, 2013 to August 1, 2014 (the “Primary Policy”).

2. Homeland also issued a Hospital Professional Liability Excess Policy No. MPX-3502-13 to the District for the policy period August 1, 2013 to August 1, 2014 (the “Excess Policy”). The Primary Policy and the Excess Policy are collectively referred to herein as the “Homeland Policies.”

3. Powell Valley Health Care, Inc. (“PVHC”) is a “Named Insured” on the Homeland Policies.

4. On February 27, 2015, Homeland filed a complaint for declaratory relief (the “Complaint”) against the District, PVHC, Jeffrey Hansen, M.D. (“Hansen”), HealthTech Management Services, Inc. (“HTMS”), William D. Patten (“Patten”), related to the availability of insurance coverage under the Homeland Policies for various claims resulting from medical procedures performed by Hansen while he was employed by PVHC. [ECF #1]. True and correct copies of the Homeland Policies are attached as Exhibits A and B to Homeland’s Complaint [ECF # 1] in this action and incorporated herein by reference.

5. On June 1, 2015, the District, PVHC, and Hansen filed an answer to the Complaint, and also asserted a counterclaims against Homeland for breach of contract,

bad faith, attorney's fees and pre-judgment interest, declaratory judgment and punitive damages. [ECF # 15].

6. On May 16, 2016, PVHC filed a voluntary petition for relief under Chapter 11 of the United States Bankruptcy Code in the United States Bankruptcy Court for the District of Wyoming, Case No. 16-20326.

7. On January 24, 2018, the Bankruptcy Court entered its order confirming the Amended Chapter 11 Plan of Reorganization for Powell Valley Heath Care, Inc. (the "Confirmation Order"). [Bankruptcy ECF # 826].

8. Pursuant to the terms of the Confirmation Order and the Amended Chapter 11 Plan [Bankruptcy ECF # 807] approved thereunder, a Personal Injury Trust was established to pay the claimants asserting claims against Hansen and Scott J. Goldstein was appointed as the trustee thereof such that the Scott J. Goldstein is the successor in interest to PVHC in connection with this action.

9. By Orders of this Court following the effective date of PVHC's Amended Chapter 11 Plan, Scott J. Goldstein, Personal Injury Trustee for the Personal Injury Trust of Powell Valley Health Care, Inc., was substituted for defendants: PVHC [ECF #98] Patten and HealthTech [ECF #107]; Hansen [ECF #108].

10. The District, while being named as a defendant in this action and having asserted a counterclaim against Homeland, herein represents that: (a) it has no claims it intends to pursue against Homeland relating to the matters at issue in the Complaint or the Homeland Policies; and (b) it has not assigned nor transferred any claims against Homeland relating to the matters at issue in the Complaint or the Homeland Policies.

11. The District, having no claims which it is continuing to pursue against Homeland relating to the matters in the Complaint or the Homeland Policies, seeks to dismiss with prejudice its counterclaim against Homeland and to be dismissed from this action.

12. The person signing this Stipulation on behalf of the District is authorized to make the representations contained herein on behalf of the District.

13. Pursuant to Federal Rules of Civil Procedure 41(a)(1)(A)(ii) and 41(c)(2), Homeland and the District stipulate to dismissal of the claims by and between them with prejudice as set forth above. For the avoidance of any doubt, Homeland dismisses only the claims asserted against the District in this case.

IT IS FURTHER STIPULATED AND AGREED that without further notice the above-identified claims are dismissed with prejudice and without costs, fees, or disbursements of either of the Parties.

Dated: July 13, 2018

s/ Tiffany M. Brown
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Dated: July 13, 2018

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CERTIFICATE OF SERVICE

I hereby certify that on this 13th day of July, 2018, I electronically filed the foregoing with the clerk of the court by using the CM/ECF system, which will send notice of electronic filing to all CM/ECF participants.

/s/Tiffany M. Brown